

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CRIMINAL APPEAL NO. 482 OF 1998

FROM ORIGINAL CONVICTION AND SENTENCE IN CRIMINAL
CASE NO 17 OF 1998

GEORGE MUGO KARUNDE.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

The appellant was convicted of the offence of attempted robbery c/s 297(2) of the Penal Code and sentenced to death. He lodged an appeal.

At the hearing of this appeal the appellant asked for substitution to section 297(1) of the Penal code to which the learned counsel for the republic had no objection. In effect, the appellant was pleading guilty to the said substituted charge.

The appellant was armed with a toy pistol and having looked at the record, the substitution is acceptable to the court. The appellant was said to be a first offender. He has been in prison since April, 1998. The sentence provided for that offence is imprisonment for 7 years with corporal punishment not exceeding fourteen strokes.

I consider the period of imprisonment already served by the appellant sufficient punishment. However he must suffer two strokes of the cane.

In the end, this appeal is allowed by reducing the imprisonment term to the period already served by the appellant plus two strokes of the cane. On the corporal punishment being administered, the appellant shall be released unless otherwise lawfully held. On his release, he shall be subject to police supervision for a period of five years.

Orders accordingly.

MBOGHOLI MSAGHA

JUDGE

5/12/2002